

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

-

WRIT PETITION NO : 12755 of 2004

Between:

Smt. Rabiya Begum W/o Syed Ghouse
B.S.Maktha Begumpet, Hyderabad

..... PETITIONER

AND

Bank of India rep. by its Authorised Officer
MG.Road, Secunderabad Branch Secunderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring that the action of the respondent in seizing the house on 23/06/2004 abruptly without even allowing the petitioner and other family members to take essentials of life like ECG Reports, essential medicines, children school books/ bags, utensils, clothes, etc., is arbitrary and unjust and against the rules and consequently to declare that the seizure of the house property H.No.6-3-1148, Bhole Saheb Muqta, Somajiguda, Hyderabad, without following the procedure laid down in the Rules i.e., conducting panchanama, listing of items, calling independent witnesses etc., is void, nonest in the eye of law, violative of Articles 14,19,21 and 300(A) of the constitution of India and also violative of principles of natural Justice.

Counsel for the Petitioner:MR.PARAVASTU KRISHNA

Counsel for the Respondent:

The Court at the stage of admission made the following ORDER:

In exercise of powers conferred under Section 13(4)(a) of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, the respondent seized the petitioner's house. Against the said seizure, petitioner has already preferred an appeal in S.A.No.53 of 2004 before the Debt Recovery Tribunal, Hyderabad, in which, the Tribunal stayed all further proceedings pursuant to the notice issued under Section 13(4) of the Act. Petitioner filed the present writ petition seeking to declare the said seizure as illegal and arbitrary.

Till the appeal filed by the petitioner is disposed of, this Court cannot declare the said seizure as illegal or release the premises in favour of the petitioner. In view of the same, I do not see any ground to entertain the writ petition.

The writ petition is accordingly dismissed. However, the petitioner is at liberty to approach the Debt Recovery Tribunal for appropriate relief. No costs.

22nd JULY, 2004.

Note: furnish c.c. by tomorrow.

B/o

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